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UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
70047-40-UT

Total Pages in this Submission
4

TO THE COMMISSIONER FOR PATENTS
Mail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

BROADBAND EXTERNAL CAVITY DIODE LASER

and invented by:

JEFFREY S. PILGRIM and DANIEL J. KANE

If a CONTINUATION APPLICATION, *check appropriate box and supply the requisite information:*

☐ **Continuation** ☐ **Divisional** ☒ **Continuation-in-part (CIP)** of prior application No.: 10/339,587
and claims priority to Provisional application Serial No. 60/449,278
Which is a:

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: _____

Which is a:

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 15 pages and including the following:
 a. ☒ Descriptive Title of the Invention
 b. ☒ Cross References to Related Applications *(if applicable)*
 c. ☒ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
 d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 e. ☒ Background of the Invention
 f. ☒ Brief Summary of the Invention
 g. ☒ Brief Description of the Drawings *(if filed)*
 h. ☒ Detailed Description
 i. ☒ Claim(s) as Classified Below
 j. ☒ Abstract of the Disclosure

17239 U.S. PTO 021904
22278 U.S. PTO 10/783193 021904

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Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
 a. ☐ Formal Number of Sheets 2
 b. ☒ Informal Number of Sheets
4. ☒ Oath or Declaration
 a. ☐ Newly executed *(original or copy)* ☒ Unexecuted
 b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
 c. ☒ With Power of Attorney ☐ Without Power of Attorney
 d. ☐ *DELETION OF INVENTOR(S)*
 Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
 The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☒ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
 a. ☐ Computer Readable Form (CFR)
 b. ☐ Specification Sequence Listing on:
 i. ☐ CD-ROM or CD-R (2 copies); or
 ii. ☐ Paper
 c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
 ☐ First Class ☒ Express Mail *(Specify Label No.):* EV342337327US

UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity) *(Only for new nonprovisional applications under 37 CFR 1.53(b))*	Docket No. 70047-40-UT
	Total Pages in this Submission 4

Accompanying Application Parts (Continued)

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

 ☐ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: _____

18. ☒ Additional Enclosures *(please identify below):*

 Associate Power of Attorney
 Request for Non Publication

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

19. ☒ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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(Only for new nonprovisional applications under 37 CFR 1.53(b))

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Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	40	- 20 =	20	x $9.00	$180.00
Indep. Claims	2	- 3 =	0	x $43.00	$0.00
Multiple Dependent Claims (check if applicable) ☐					$0.00
				BASIC FEE	$385.00
OTHER FEE *(specify purpose)* _____					$0.00
				TOTAL FILING FEE	$565.00

☒ A check in the amount of **$565.00** to cover the filing fee is enclosed.

☒ The Director is hereby authorized to charge and credit Deposit Account No. **13-4213** as described below.

- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: **February 19, 2004**

Signature

Jeffrey D. Myers, Reg. No. 35,964
Peacock, Myers & Adams, P.C.
P. O. Box 26927
Albuquerque NM USA 87125-6927
Telephone (505) 998-1502
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CUSTOMER NO. 005179
cc:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): **Jeffrey S. Pilgrim and Daniel J. Kane**			Docket No. **70047-40-UT**
Serial No.	Filing Date **Herewith (Feb 19, 2004)**	Examiner	Group Art Unit

Invention:

BROADBAND EXTERNAL CAVITY DIODE LASER

I hereby certify that the following correspondence:

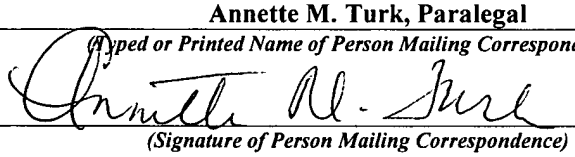
Utility Patent Application Transmittal with papers listed therein and $565

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

February 19, 2004
(Date)

Annette M. Turk, Paralegal
(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

EV342337327US
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Note: Each paper must have its own certificate of mailing.

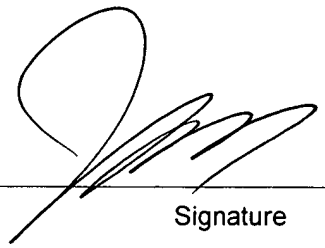
PTO/SB/35 (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)

First Named Inventor	**Jeffrey S. Pilgrim, et al.**
Title	**BROADBAND EXTERNAL CAVITY DIODE LASER**
Atty Docket Number	**70047-40-UT**

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

February 19, 2004
Date


Signature

(505) 998-1500
Telephone number

Jeffrey D. Myers
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing.**

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, u.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.